

LEGAL SEPARATION

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GENERAL INFORMATION

GENERAL INFORMATION

1. **MUST BE TYPED:** Documents must be typed and submitted the original plus two copies.
2. **FILING FEE:** \$213.50 cash, check or money order or approved fee waiver. The Clerk's office is not equipped to accept ATM or credit card payments at this time.
3. **SAME DOCUMENTS AS DISSOLUTION:** This manual outlines the minor differences in the boxes on the forms for filing a legal separation versus filing for dissolution. Use Volume 2, Dissolution to prepare and file your paperwork.
4. **IF THE RESPONDENT FILES A RESPONSE TO YOUR PETITION:**
If the Respondent files a Response to your Petition for Legal Separation you can file an At-Issue Memorandum (local form) to get a court date.

Type the At-Issue Memorandum (local form) in the computer and print it out. The Proof of Service must be completed prior to filing.

Submit the original and two copies to the Clerk for filing.

The Calendar Clerk will mail Notice of Trial to you and Respondent giving you the time/date of the hearing.

You must attend the hearing whether Respondent attends or not.

5. **FINAL DOCUMENTATION:** The final judgment in the legal separation is prepared in the same manner described in the dissolution manual. The only difference is in the boxes that indicate legal separation (instead of dissolution).
6. **FILING DISSOLUTION LATER:** After you reach judgment in your legal separation you must start over again to Petition the court for dissolution of marriage. The dissolution action will open a new file and requires payment of the filing fee of \$213.50.

You can amend your Petition for Legal Separation to Petition for Dissolution at any time prior to the filing of the final judgment. Note the AMENDED box on the Petition.

If you have questions regarding amending your Petition for Legal Separation to a Petition for Dissolution, please contact an attorney or the Family Law Facilitator.

PREPARING THE LEGAL SEPARATION FORMS

PREPARING THE LEGAL SEPARATION FORMS

1. **FORMS ARE THE SAME AS FOR DISSOLUTION:** Using Volume 2, Completing New Dissolution, prepare the documents as required. The following forms will be needed to file a new petition:

FL-100, Petition
FL-110, Summons
FL-115, Proof of Service of Summons
FL-155, Financial Statement (Simplified) OR
FL-150, Income & Expense Declaration
FL 105, Declaration Under UCCJEA

Blank Forms to serve on Respondent:

FL-120, Response
FL-155, Financial Statement (Simplified) AND
FL-150, Income & Expense Declaration

2. **DIFFERENT BOXES TO MARK ON PETITION FOR LEGAL SEPARATION:**

Make sure you mark the Legal Separation box on the front of the form.

Item #6b – must be marked.

3. **AFTER YOU FILE YOUR PETITION FOR LEGAL SEPARATION:** Have the Respondent served with the Petition and other appropriate documents as outlined in Volume 2, Completing New Dissolution.
4. **RESPONDENT HAS 30 DAYS TO FILE A RESPONSE:** Respondent will have 30 days from the date of service to file a Response as outlined in Volume 2, Completing New Dissolution.
5. **ENTERING DEFAULT OF RESPONDENT IF NO RESPONSE FILED:** On the 31st day you may file the Request to Enter Default and other documentation as outlined in Volume 4, Default Dissolution.
6. **RESPONSE FILED BY RESPONDENT:** If the Respondent files a Response to your Petition you can file an At-Issue Memorandum (local form) to obtain a trial date.

Complete the At-Issue Memorandum to include having someone, other than yourself, complete the Proof of Service By Mail on the second page.

Submit the original and two copies of the At-Issue to the Clerk for filing.

The Calendar Clerk will set the matter for trial and send you a Notice of Trial.

You must attend this hearing to complete your nullity.

You must also complete the following forms prior to the hearing or trial:

FL-140, Declaration of Disclosure

FL-141, Declaration Regarding Service of Declaration of Disclosure

8. **AFTER THE HEARING WHETHER BY DEFAULT OR BY TRIAL:** You must complete the Judgment with appropriate attachments to finalize your legal separation.
9. **ATTACHMENTS TO JUDGMENT:** Volume 4, Default Dissolution outlines all forms that can be attached to the judgment. Please use Volume 4 to complete your judgment.

SAMPLE DOCUMENTS

Petition 2 pages

Summons, 2 pages

Proof of Service of Summons, 2 pages

Financial Statement (Simplified) 2 pages

Income & Expense 4 pages

Response, 2 pages

At Issue Memorandum, 2 pages

Request for Entry of Default, 2 pages

Declaration of Disclosure, 1 page

Declaration re Service of Declaration of Disclosure, 1 page

Judgment, 2 pages

Notice of Entry of Judgment